

FACTSHEET

TITLE: **PRELIMINARY PLAT NO. 02007, Hartland Homes N.W. 1st Addition**, requested by Brian D. Carstens and Associates on behalf of Hartland Homes, Inc., to develop 70 dwelling units on approximately 12 acres, with associated waiver requests, on property generally located west of N.W. 48th Street and north of West St. Paul Avenue.

STAFF RECOMMENDATION: Conditional Approval

ASSOCIATED REQUESTS: Special Permit No. 1965, Hartland Homes N.W. 1st Community Unit Plan (05R-169); Street Vacation No. 02003 (05-96); and Street Vacation No. 03006 (05-97).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 09/15/04
Administrative Action: 09/15/04

RECOMMENDATION: Conditional Approval (6-2: Larson, Carroll, Krieser, Sunderman, Taylor and Bills-Strand voting 'yes'; Carlson and Marvin voting 'no'; Pearson absent).

FINDINGS OF FACT:

1. This preliminary plat and the associated Hartland Homes N.W. 1st Community Unit Plan were heard at the same time before the Planning Commission.
2. The purpose of this request is to develop 70 dwelling units on 12 acres. The applicant requested the following waivers:
 - cul-de-sac radius from 60' to 55' (**Withdrawn**)
 - to allow unenclosed decks to encroach 10' into the required rear yard setback
 - horizontal curves on N.W. 52nd Street (**No longer needed**)
 - street trees and sidewalks along the west side of Madison Avenue. (**Withdrawn**)
3. The staff recommendation of conditional approval (except the waiver of horizontal curves on N.W. 52nd Street, the modification to the cul-de-sac radius, and the waiver of street trees and sidewalks) is based upon the "Analysis" as set forth on p.4-5, concluding that, with conditions, the request is in conformance with the Comprehensive Plan and the Zoning and Subdivision ordinances.
4. The applicant's testimony is found on p.10-11. The request to modify the cul-de-sac radius and to waive the street tree and sidewalk requirements were withdrawn by the applicant. The e-mail in support on behalf of the Arnold Heights Neighborhood Association is found on p.22, wherein some concerns are expressed.
5. There was no testimony in opposition.
6. The Planning Commission discussion with staff is found on p.11.
7. On September 15, 2004, the majority of the Planning Commission agreed with the staff recommendation and voted 6-2 to recommend conditional approval, as set forth in the staff report dated August 30, 2004 (Carlson and Marvin dissenting; Pearson absent). Carlson expressed concerns about the transportation infrastructure and Marvin expressed concerns about the density. The Planning Commission action denies the waiver of horizontal curves on N.W. 52nd Street and approves the waiver to allow unenclosed decks to encroach 10' into the required rear yard setback. The conditions of approval are found on pp.5-8.
8. Subsequent to the Planning Commission action, the applicant reached agreement with the Public Works department and the waiver of the horizontal curves on N.W. 52nd Street is no longer needed.
9. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied and the revised site plan is attached (p.14).

FACTSHEET PREPARED BY: Jean L. Walker

REVIEWED BY:

REFERENCE NUMBER: FS\CC\2005\PP.02007

DATE: August 22, 2005

DATE: August 22, 2005

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for September 15, 2004 PLANNING COMMISSION MEETING

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

P.A.S.: Special Permit #1965, Hartland Homes NW 1st Community Unit Plan
Preliminary Plat #02007

PROPOSAL: To preliminary plat 12 acres, and obtain a special permit for 70 dwelling units.

LOCATION: Generally located west of NW 48th Street north of W St. Paul Avenue.

WAIVER REQUEST:

~~Cul-de-sac radius from 60' to 50'~~ (**Waiver request withdrawn by the applicant**)

Horizontal curves on N.W. 52nd Street.

Allow unenclosed decks to encroach 10' into the required rear yard setback.

~~Street trees along the south side of W Madison Avenue~~ (**Waiver request withdrawn by the applicant**)

~~Sidewalks along the south side of W Madison Avenue~~ (**Waiver request withdrawn by the applicant**)

LAND AREA: 12 acres, more or less.

CONCLUSION: With conditions the request is in conformance with the Comprehensive Plan, Zoning and Subdivision Ordinances.

RECOMMENDATION:

Conditional Approval

~~Cul-de-sac radius from 60' to 50'~~ (**Withdrawn**)

Denial

Horizontal curves on NW 51st Street

Denial

Allow unenclosed decks to encroach 10' into the required rear yard setback

Approval

~~Street trees along the south side of W Madison Avenue~~ (**Withdrawn**)

Denial

~~Sidewalks along the south side of W Madison Avenue~~ (**Withdrawn**)

Denial

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

EXISTING ZONING: R-3, Residential.

EXISTING LAND USE: Undeveloped.

SURROUNDING LAND USE AND ZONING:

North:	Church, residential	R-3
South:	Residential	R-3
East:	Commercial	B-1, Local Business District
West:	Residential	R-3

ASSOCIATED APPLICATIONS: Street and Alley Vacation # 02003 W. Madison Avenue from NW 49th to NW 53rd Streets. Street and Alley Vacation #03006 W. Cleveland Avenue from NW 49th to NW 53rd Streets.

HISTORY: The area was zoned AA, Rural and Public Use until it was updated to R-3, Residential in 1979.

COMPREHENSIVE PLAN SPECIFICATIONS: This area is shown as Urban Residential. (F-25).

Natural and environmentally sensitive areas should be preserved within neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods. (F-17)

“Streams, trees, open space, and other environmentally sensitive features should be preserved within new development as design standards allow. The natural topography and features of the land should be preserved by new development to maintain the natural drainageways and minimize land disturbance.

Encourage mixed-use redevelopment, adaptive reuse, and in-fill development including residential, commercial and retail uses. These uses may develop along transit routes and provide residential opportunities for persons who do not want to or cannot drive an automobile. Promote residential development, economic development and employment opportunities throughout the City.

Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population.” (F-18)

Streets and public spaces should be safe, comfortable, and interesting to the pedestrian. Properly configured, they encourage walking and enable neighbors to know each other and protect their communities. The street network should facilitate calm traffic conditions, provide multiple connections within and between neighborhoods, using neighborhood development aspects such as four way intersections of residential streets, multiple connections to arterial streets, and reduced block lengths. (F-19)

“Interconnected networks of streets, trails and sidewalks should be designed to encourage walking and bicycling and provide multiple connections within and between neighborhoods.

Transit, pedestrian, and bicycle networks should maximize access and mobility to provide alternatives and reduce dependence upon the automobile. Sidewalks should be provided on both sides of all streets, or in alternative locations as allowed through design standards or the Community Unit Plan process.

Provide different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population.

Encourage convenient access to neighborhood services (stores, schools, parks) from residential areas“ (F-66)

“Encourage a mix of housing types, single family, townhomes, apartments, elderly housing all within one area.

Similar housing types face each other: single family faces single family, change to different use at rear of lot.

Parks and open space within walking distance of all residences.

Multi-family and elderly housing nearest to commercial area.” (F-67)

Transportation Planning Principles:

“Increasing the use of alternate means of transportation, including public transportation, bicycle transit, and pedestrian movement, by improving and expanding facilities and services and encouraging compact, walkable land use patterns and project designs.” (F-87)

UTILITIES: Utilities are available.

TRAFFIC ANALYSIS: Internal streets are local streets. NW 48th Street is classified as an Urban Principal Arterial and W. Adams Street is classified as an Urban Minor Arterial.

ANALYSIS:

1. This is a request to preliminary plat 12 acres and obtain a special permit for 70 dwelling units with requests to waive cul-de-sac radius from 60' to 50', horizontal curves on NW 52nd Street, allow unenclosed decks to encroach 10' into the required rear yard setback, street trees along the south side of W Madison Avenue, and sidewalks along the south side of W Madison Avenue
2. Cleveland and Madison Avenues have not been vacated by City Council. The vacations must be completed before final plats can be approved.
3. The Public Works and Utilities Department has several comments which are addressed in their attached memo. The Public Works and Utilities Department recommends denial to the requested waivers for cul-de-sac radius and paving centerline radius. The Public Works and Utilities Department indicated that the previous plat showed Madison Court with 50' of right of way with additional 10' easements to replace the required right of way but still required standard paving. The Public Works and Utilities Department indicated the requested waiver for paving centerline radius does not meet minimum safe sight distances for the required design speed.
4. The applicant requests to allow unenclosed decks to project 10' into the rear yard setback. Planning staff does not object to this, and it has been allowed in several community unit plan subdivisions.
5. ~~The applicant requests to waive sidewalks and street trees on the south side of W. Madison Avenue, indicating this is to preserve the existing tree mass. If sidewalks are required, as planning staff believes they should be, the grading and installation of the sidewalks may detrimentally affect the sustainability of the existing trees due to heavy construction equipment and damage to root structure. Most of the tree mass will already be removed along W. Madison and staff believes it would be simpler and more consistent to have street trees along the entire street, rather than partial street trees and partial existing tree mass. If the developer is granted the waiver to street trees, an affidavit must be signed indicating that the remaining trees are continuously maintained, and upon their death street trees be planted to the satisfaction of the Parks and Recreation Department at the cost of the developer.~~ **(**Waiver requests withdrawn**)**

6. Planning staff does not believe the request to waive sidewalks and street trees is in conformance with the Comprehensive Plan, as indicated in the Comprehensive Plan specifications section of this report. The sidewalks are necessary for pedestrian mobility and the trees contribute to the Comprehensive Plan requirement that "Streets and public spaces should be safe, comfortable, and interesting to the pedestrian. Properly configured, they encourage walking and enable neighbors to know each other and protect their communities". For these reasons staff does not support the request.

Preliminary Plat CONDITIONS:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans and 7 copies to the Planning Department office, the preliminary plat will be signed by the Chair of the Planning Commission certifying approval: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Revise the preliminary plat to show:
 - 1.1.1 Sidewalks unless the subdivider's waiver request is approved by the City Council.
 - 1.1.2 Add a note stating "The grant of an avigation and noise easement to the Lincoln Airport Authority is a condition of approval as all or part of the land is located within the Airport Environs Noise District and potentially subjects the land to aircraft noise levels which may affect users of the property and interfere with its use.
 - 1.1.3 Revisions to the satisfaction of the Public Works and Utilities Department.
 - 1.1.4 A lot area table.
 - 1.1.5 Minimum opening elevations of lots backing onto the outlot.
 - 1.1.6 Utility easements as requested by the August 26, 2004 LES memo.
 - 1.1.7 Remove the lot depth waiver from the site plan, it is unnecessary.
 - 1.2 Revise the landscape plan to show:
 - 1.2.1 Street trees unless the subdivider's waiver request is approved by the City Council.
2. The City Council approves associated request:
 - 2.1 Special Permit #1965

- 2.2 Street vacation #02003
- 2.3 Street Vacation #03006
- 2.4 ~~An exception to the design standards to permit a cul-de-sac radius of 50' 55', and to exceed the horizontal curve standards on W. Butler Avenue. (**Waivers withdrawn by the applicant**)~~

General:

- 3. Final Plats will be approved by the Planning Director after:
 - 3.1 The sidewalks, streets, drainage facilities, street lighting, landscape screens, street trees, temporary turnarounds and barricades, and street name signs have been completed or the subdivider has submitted a bond or an escrow of security agreement to guarantee their completion.
 - 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
 - to complete the paving of private roadway shown on the final plat within two (2) years following the approval of this final plat.
 - to complete the installation of sidewalks along both sides of all streets as shown on the final plat within four (4) years following the approval of this final plat.
 - to construct the sidewalk in the pedestrian way easement in Outlot A at the same time as W. Cleveland and W. Madison are paved.
 - to complete the public water distribution system to serve this plat within two (2) years following the approval of this final plat.
 - to complete the public wastewater collection system to serve this plat within two (2) years following the approval of this final plat.
 - to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of this final plat.
 - to complete the enclosed private drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of this final plat.
 - to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of this final plat.

to complete the installation of public street lights along all streets within this plat within two (2) years following the approval of this final plat.

to complete the installation of private street lights along all streets within this plat within two (2) years following the approval of this final plat.

to complete the planting of the street trees along all streets within this plat within four (4) years following the approval of this final plat.

to complete the planting of the landscape screen within this plat within two (2) years following the approval of this final plat.

to complete the installation of the street name signs within two (2) years following the approval of this final plat.

to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to complete the public and private improvements shown on the preliminary plat and Community Unit Plan.

to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to continuously and regularly maintain the street trees along the private roadways and landscape screens.

to agree that in consideration of the waiver of the requirements of section 26.27.090 of the Lincoln Municipal Code that street trees be planted along both sides of all streets and private roadways within the subdivision and on the streets and private roadways

which abut the subdivision along the south side of W. Madison Avenue that the Owner shall:

- (1) Continuously and regularly maintain the existing trees located on the south side of W. Madison Avenue ;
- (2) Replace the trees located on the south side of W. Madison Avenue with a street tree as specified by the Parks and Recreation Department in the event such trees die and/or are removed;
- (3) Inform potential lot buyers of the foregoing obligations prior to the closing on the sale of such lots; and
- (4) Incorporate the foregoing obligations in permanent covenants and deed restrictions in the deed to such lots.

to submit to the lot buyers and home builders a copy of the soil analysis.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to perpetually maintain the sidewalks in the pedestrian way easements on Outlot A at their own cost and expense.

to protect the trees that are indicated to remain during construction and development.

to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

to inform all prospective purchasers and users that the land is located within the Airport Environs Noise District, that the land is subject to an aviation and noise easement granted to Lincoln Airport Authority, and that the land is potentially subject to aircraft noise levels which may affect users of the property and interfere with its use.

Prepared by:

Becky Horner
441-6373, rhorer@lincoln.ne.gov
Planner

DATE: August 30, 2004

APPLICANT: Hartland Homes, Inc.
PO Box 22787
Lincoln, NE 68542
(402)477-6668

OWNER: Same.

CONTACT: Brian D. Carstens and Associates
601 Old Cheney Road, Suite C
Lincoln, NE 68512
(402)434-2424

**SPECIAL PERMIT NO. 1965,
HARTLAND HOMES NORTHWEST 1ST ADDITION
COMMUNITY UNIT PLAN
and
PRELIMINARY PLAT NO. 02007,
HARTLAND HOMES NORTHWEST 1ST ADDITION,**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

September 15, 2004

Members present: Larson, Carroll, Marvin, Carlson, Krieser, Sunderman, Taylor and Bills-Strand; Pearson absent.

Staff recommendation: Conditional Approval.

Ex Parte Communications: None.

Proponents

1. Brian Carstens appeared on behalf of **Hartland Homes**. This is a community unit plan on N.W. 48th Street immediately south of Adams Street, representing a remnant piece previously platted as lots and blocks with Madison and Cleveland Avenue going through. The western portion of Madison Avenue is being vacated.

Carstens withdrew the request to modify the cul-de-sac radius and to waive the street trees and sidewalks on the south side of W. Madison Avenue.

The only issue remaining is the waiver of the horizontal curves on N.W. 52nd Street, to which the staff is recommending denial. The developer's design was to have no through streets. They do not want to encourage people to drive 25 mph through those small stretches. There are continuous driveways shown along that area so the developer is seeking relief on the center line radius.

Carstens referred to the Arnold Heights Neighborhood Association concern about parking. Carstens pointed out that all units will have one- or two-stall garages with additional one or two stalls out front. The roadways are 27' in width and they are showing some off-street parking.

With regard to the drainageway, Carstens advised that Lyle Loth is working with Public Works and they believe they can get that resolved prior to hearing before the City Council.

Carstens agreed that it is probably true that we have not seen any multi-family units in the Airpark area, but the developer believes this to be an isolated area with the existing tree masses and will be a nice transition to the commercial uses on N.W. 48th Street.

Marvin inquired about the uses for Outlot C. Carstens advised that Outlot C is the drainage area. There is a detention cell and the drainage area will be smoothed out with a holding area constructed, so it will basically be open space.

The average depth of the lots is 95 feet. With the deck in the rear yard, Carstens indicated that there would be about 10 feet of the rear yard left. But there is a lot of the common open space behind it.

Bills-Strand inquired about additional parking, as she sees very little off-street parking for people who have birthday or graduation parties. Carstens believes they could incorporate some on the north side of Madison.

It was clarified that the only waiver requests now being sought are for the horizontal curves on N.W. 52nd (to which staff recommends denial) and to allow the unenclosed decks to encroach 10' into the rear yard (to which staff recommends approval).

There was no testimony in opposition.

Carlson inquired about any signalized intersection and whether it is anticipated that all of these units will come out N.W. 48th Street. Dennis Bartels of Public Works stated that Adams Street would be the potential signal location but these are so close to that intersection he does not anticipate that either one will be signaled. There is nothing across the street at Madison. There is some proposed commercial with Ashley Heights and that intersection lines up across both sides, so eventually the folks would have to go down N.W. 49th back to Huntington for the first potential signalized location, rather than N.W. 48th and Adams, which would be the intersection of two arterials.

Carlson asked when the improvements are scheduled for N.W. 48th. Bartels did not know. He believes it is in the CIP for design and it can remain a two-lane facility. It is the turning movements that cause a lot of the problem. On newer intersections we are trying to provide for left turn movement.

Carroll inquired why the staff recommends denial of the waiver of horizontal curves. Bartels stated that the waiver was not justified in the application, and the design standards require 25 mph design speed, so with the sharp curve and the driveways, you don't have the proper sight distance. 150 is the standard required curve and that is about a 25 mph design speed. Previous design standards had 125 centerline radius, which is about 17 mph design speed. In theory, there could be cars in the driveway with someone trying to back out at that intersection.

SPECIAL PERMIT NO. 1965

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

September 15, 2004

Larson moved to approve the staff recommendation of conditional approval, seconded by Krieser. Carlson believes this is a great part of town to live in and the Neighborhood Roundtable hears a lot about their concerns about N.W. 48th. We are increasing turning motions and if we are wanting more houses built out there, they are justifiably concerned that their infrastructure is way underbuilt.

Marvin believes that density levels are considerably high, but he expects he'll probably vote against it and be in the minority. Bills-Strand pointed out that denial of the horizontal curve waiver will result in a decrease in the density because they will have to change the layout of the streets.

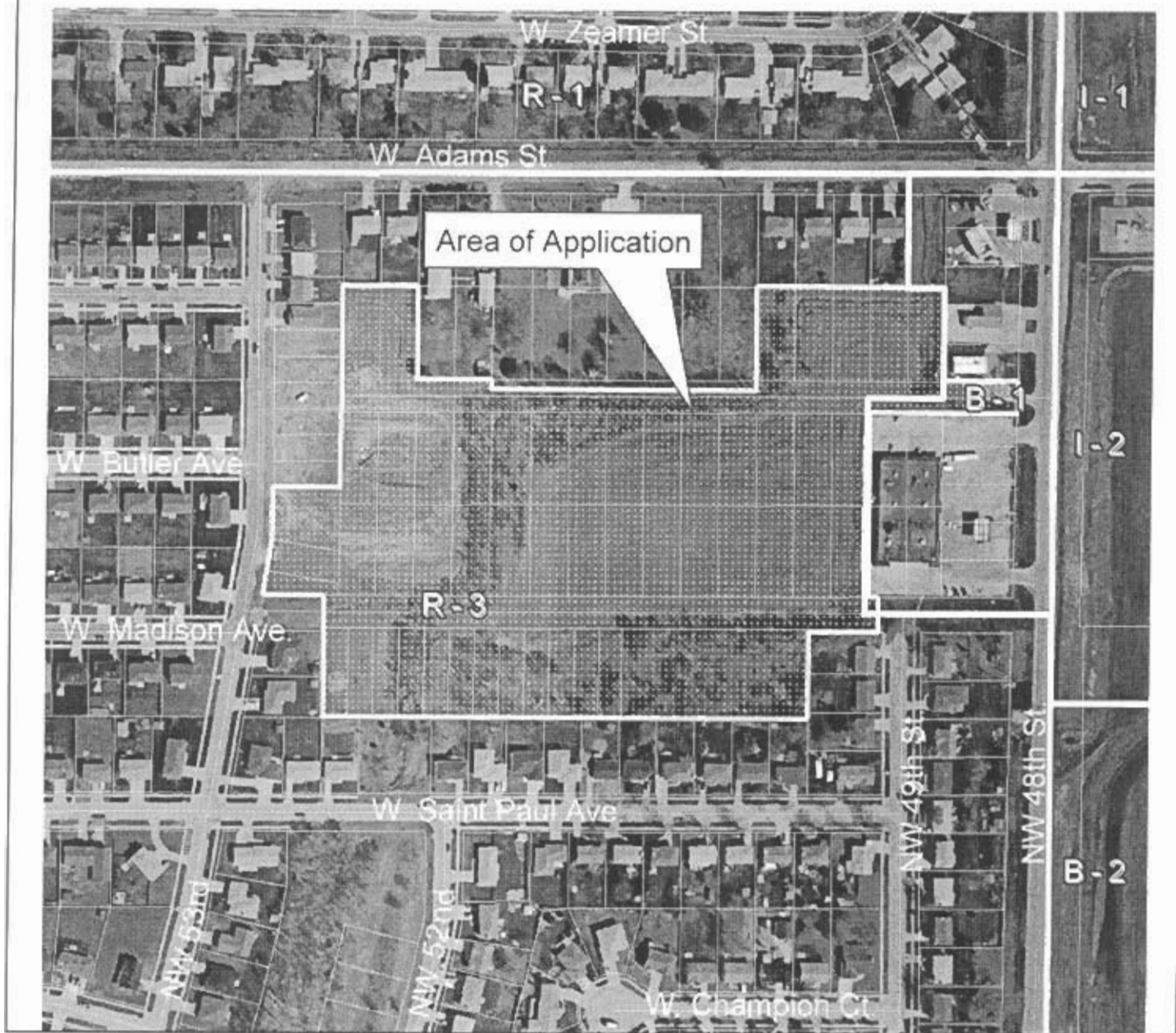
Motion for conditional approval, carried 6-2: Larson, Carroll, Krieser, Sunderman, Taylor and Bills-Strand voting 'yes'; Carlson and Marvin voting 'no'; Pearson absent. The Planning Commission did not grant the horizontal curve waiver. This is a recommendation to the City Council.

PRELIMINARY PLAT NO. 02007

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

September 15, 2004

Taylor moved to approve the staff recommendation of conditional approval, seconded by Krieser and carried 6-2: Larson, Carroll, Krieser, Sunderman, Taylor and Bills-Strand voting 'yes'; Carlson and Marvin voting 'no'; Pearson absent. The Planning Commission did not grant the horizontal curve waiver. This is a recommendation to the City Council.

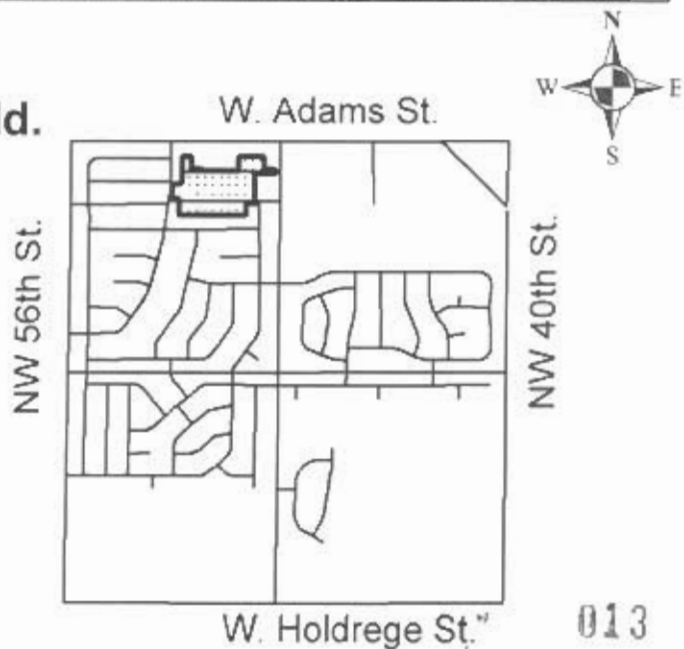
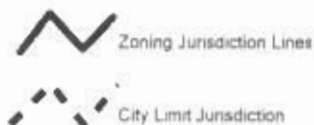


**Preliminary Plat #02007
Special Permit #1965
Hartland Homes Northwest 1st Add.
NW 48th & W. Adams**

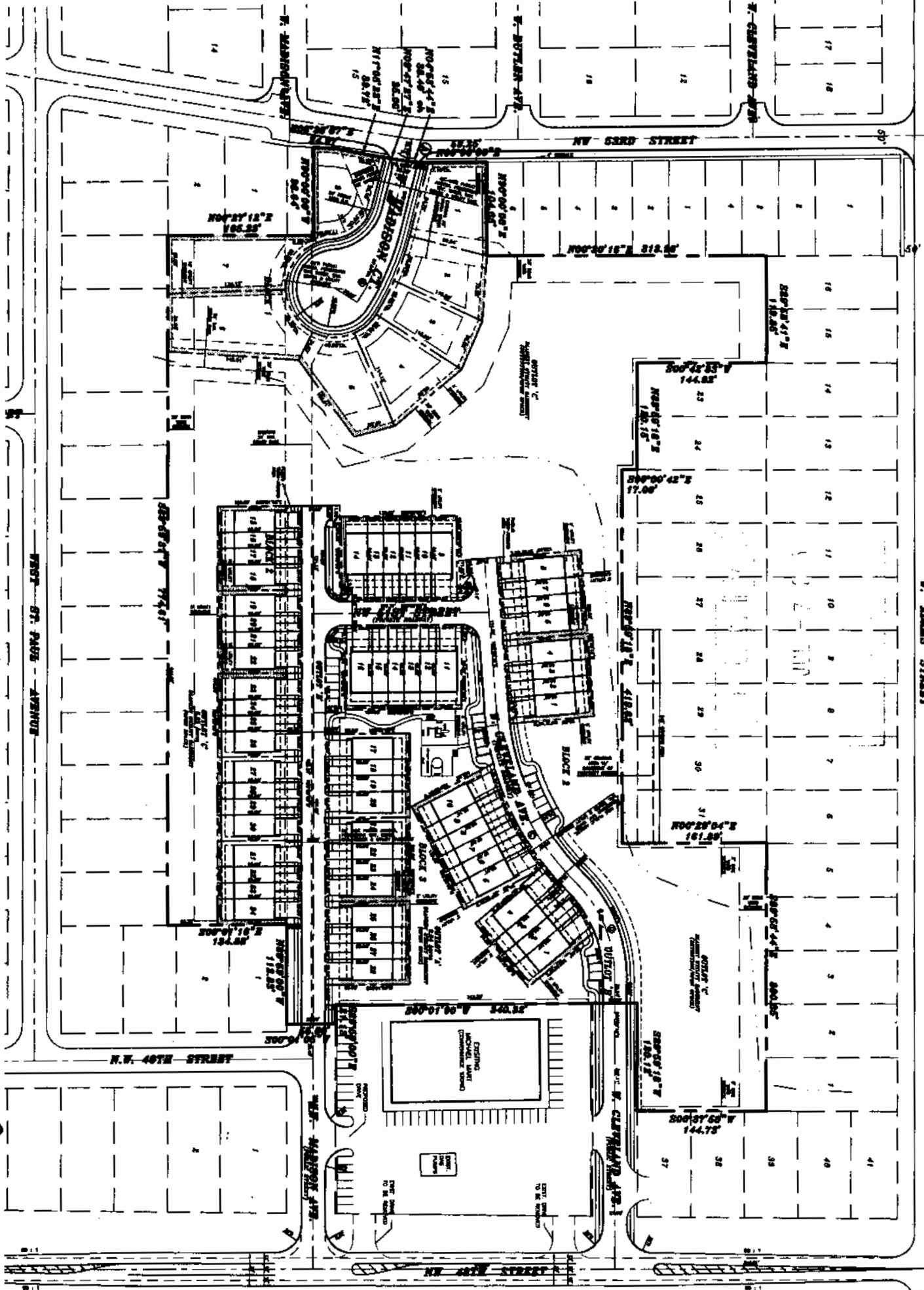
Zoning:

One Square Mile
Sec. 18 T10N R6E

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District



013



W. ADAMS STREET

NW 3RD STREET

N.W. 40TH STREET

WEST ST. PAUL AVENUE

T 1ST ADDITION

015

LEGAL DESCRIPTION:

A legal description of Outlot's B, C & D of Hartland Homes Northwest 2nd Addition; Lots 21, 22, 32 through 36, Block 1; Lots 3 through 16, 21 through 34, Block 5; Lots 1 through 12, Block 4, Airport Heights; Lot 16 Irregular Tract; the vacated public right-of-way of West Cleveland Avenue from the west line of Lot 2, Block 5, Airport Heights to the east line of Hartland Homes Northwest 3rd Addition; the vacated public right-of-way of West Madison Avenue from a point 21.12 feet east of the west line of Lot 35, Block 5, Airport Heights and the north half of the vacated public right-of-way adjacent to Lot 1, Block 8, Olympic Heights 1st Addition; oil located in the Section 16, Township 10 North, Range 6 East of the 6th P.M. of Lancaster County, Nebraska more particularly described as follows:

Beginning at the northwest corner of said Outlot 'B', Hartland Homes Northwest 2nd Addition and extending thence N. 90°00'00"E., 104.65 feet;

Thence N. 00°30'16"E., a distance of 313.96 feet;

Thence S. 89°58'41"E., a distance of 119.85 feet;

Thence S. 00°42'33"W., a distance of 144.92 feet;

Thence N. 89°59'18"E., a distance of 120.15 feet;

Thence S. 00°00'42"E., a distance of 17.00 feet;

Thence N. 89°59'18"E., a distance of 419.62 feet;

Thence N. 00°29'04"E., a distance of 161.89 feet;

Thence S. 89°58'44"E., a distance of 300.35 feet;

Thence S. 00°37'50"W., a distance of 144.73 feet;

Thence S. 89°59'18"W., a distance of 120.12 feet;

Thence S. 00°01'00"W., a distance of 370.33 feet;

Thence S. 89°59'00"E., a distance of 21.13 feet;

Thence S. 00°01'05"W., a distance of 55.00 feet;

Thence N. 89°59'00"W., a distance of 112.83 feet;

Thence S. 00°01'16"E., a distance of 134.88 feet;

Thence S. 89°59'37"W., a distance of 774.61 feet;

Thence N. 00°27'12"E., a distance of 165.23 feet;

Thence N. 90°00'00"W., a distance of 98.64 feet;

Thence N. 03°38'07"E., a distance of 24.97 feet;

Thence N. 11°05'23"E., a distance of 39.72 feet;

Thence N. 09°47'27"E., a distance of 35.00 feet to a point on a circular curve to the left having a central angle of 94°47'27", a radius of 225.00 feet and whose chord (38.40 feet) bears N. 04°53'44" E.;

Thence along said curve 38.45 feet;

Thence N. 00°00'00"E., a distance of 59.25 feet to the point of beginning and containing a calculated area of 11.79 acres more or less.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

LYLE L. LOTH, L.S. #514

GENERAL NOTES:

GENERAL NOTES:

1. THIS C.U.P. ALLOWS 62 TOWNHOME UNITS AND 8 SINGLE FAMILY UNITS A TOTAL OF 70 DWELLING UNITS.
2. THE OWNER/DEVELOPER RESERVES THE RIGHT TO BUILD ANYWHERE WITHIN THE BUILDING CONSTRUCTION LIMITS SHOWN.
3. EXISTING ZONING IS 'R-3'. BUILDING HEIGHT SHALL NOT EXCEED 35 FEET.
4. ALL EXTERIOR LIGHTING SHALL COMPLY TO THE DESIGN STANDARDS AS ADOPTED BY THE CITY OF LINCOLN.
5. PUBLIC SIDEWALKS SHALL BE INSTALLED ON BOTH SIDES OF ALL PRIVATE ROADWAYS AND PUBLIC STREETS AS SHOWN. SIDEWALKS ALONG PRIVATE ROADWAYS AND PUBLIC STREETS SHALL BE A MINIMUM OF 4 FEET IN WIDTH AND LOCATED A MINIMUM OF 4 FEET FROM THE BACK SIDE OF THE CURB. SIDEWALKS SHALL BE A MINIMUM OF 6 FEET IN WIDTH IF LOCATED ADJACENT TO THE CURB. SIDEWALKS SHALL BE 4" THICK AND 5" THICK AT DRIVEWAY CROSSINGS.
6. ALL PARKING AREAS SHALL BE SURFACED WITH A MINIMUM OF 5 INCHES OF CLASS 'A' PORTLAND CEMENT OR 6 INCHES OF ASPHALTIC CONCRETE. A 6 INCH RAISED CURB BARRIER SHALL BE PROVIDED AT THE PERIMETER.
7. PUBLIC WATER AND PUBLIC SEWER LINES SHALL BE INSTALLED THROUGH EXECUTIVE ORDERS AND DESIGNED AS REQUIRED BY THE CITY OF LINCOLN.
8. ALL PRIVATE ROADWAYS SHALL BE 27 FEET IN WIDTH (BACK TO BACK OF CURB), UNLESS OTHERWISE SPECIFIED, AND SHALL BE SURFACED WITH 6" OF PORTLAND CEMENT OR 5" OF PORTLAND CEMENT AND 2-1/2" OF ASPHALTIC CONCRETE SURFACE COURSE.
9. ALL CURVILINEAR DIMENSIONS ARE CHORD LENGTHS.
10. PUBLIC ACCESS EASEMENTS ARE HEREBY GRANTED OVER ALL PRIVATE ROADWAYS, SIDEWALKS AND PARKING STALLS SHOWN.
11. EXISTING TOPOGRAPHICAL CONTOURS ARE IN NORTH AMERICA VERTICAL DATUM (NAVD) 1988.
12. THE DEVELOPER AGREES TO COMPLY WITH THE DESIGN STANDARDS OF THE CITY OF LINCOLN FOR EROSION CONTROL AND SEDIMENTATION DURING AND AFTER LAND PREPARATION AND TO SUBMIT A SEEDING AND MAINTENANCE SCHEDULE BEFORE SITE GRADING IS DONE. THE DEVELOPER WILL BE RESPONSIBLE FOR CONTROLLING OFF-SITE DUST EMISSIONS IN ACCORDANCE WITH LINCOLN-LANCASTER COUNTY AIR POLLUTION REGULATIONS AND STANDARDS ARTICLE 2, SECTION 32.
13. ANY RELOCATION OF EXISTING FACILITIES WILL BE AT THE OWNER/DEVELOPER'S EXPENSE.
14. OUTLOTS, RECREATION FACILITIES AND ALL PRIVATE IMPROVEMENTS SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
15. ON ALL OUTLOTS CONTAINING DETENTION FACILITIES AND STRUCTURES, WHERE A BLANKET UTILITY EASEMENT IS GRANTED, ALL UTILITIES DESIRING TO LOCATE UTILITY LINES OR OTHER IMPROVEMENTS SHALL HAVE SUCH IMPROVEMENTS APPROVED BY THE OWNER PRIOR TO CONSTRUCTION.
16. THE GRANT OF AN AVIGATION AND NOISE EASEMENT TO THE LINCOLN AIRPORT AUTHORITY IS A CONDITION OF APPROVAL AS ALL OR PART OF THE LAND IS LOCATED WITHIN THE AIRPORT ENVIRONS NOISE DISTRICT AND POTENTIALLY SUBJECTS THE LAND TO AIRCRAFT NOISE LEVELS WHICH MAY AFFECT USERS OF THE PROPERTY AND INTERFERE WITH ITS USE.
17. THE PROPOSED LEFT TURN PROVISIONS LOCATED IN NORTHWEST 48TH STREET SHALL BE INSTALLED THROUGH EXECUTIVE ORDERS AND DESIGNED AS REQUIRED BY THE CITY OF LINCOLN.

REQUESTED WAIVERS:

1. UNENCLOSED DECKS SHALL BE PERMITTED TO ENCR OACH INTO THE REQUIRED REAR YARD SETBACK BY A MAXIMUM OF 10 FEET.

DATE PREPARED
3/13/02

REVISION DATE:

5/23/02

6/6/03

8/12/04

10/6/04

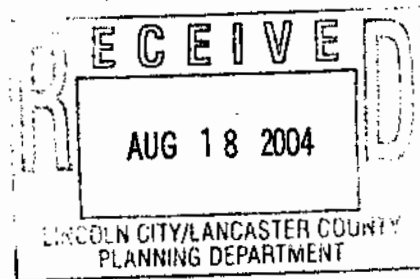
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BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

August 17, 2004

Mr. Marvin A. Krout
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508



RE: HARTLAND HOMES NORTHWEST 1ST ADDITION
PRELIMINARY PLAT #02007 & SPECIAL PERMIT/COMMUNITY UNIT PLAN #1965

Dear Marvin,

On behalf of Hartland Homes, Inc. and Duane Hartman Investments, we are resubmitting the above mentioned applications for your re-review. West Cleveland Avenue is now vacated which has changed the site layout and helped to address many drainage issues. The following is in response to the comments received from the Planning Department dated June 25, 2002.

1. Since the submittal of this project, the application for Ashley Heights to the east has been approved. The proposed project coincides with the approved application.
2. A waiver for the lot width to depth ratio has been added to the waivers on the Cover Sheet.
3. West Madison Avenue has been revised eliminating the dead-end street.
4. Sidewalks are shown along the east side of NW 53rd street. The plans have been revised to show sidewalks on both sides of West Cleveland Avenue.
5. A waiver has been requested for a 50' cul-de-sac to remain at West Madison Court as approved with Hartland Homes Northwest Addition.
6. With the site revisions, Outlot 'A' has been renamed Outlot 'C' and has been labeled detention and open space.
7. The density calculations have been shown on the Cover Sheet.
8. An updated ownership certificate is enclosed with the re-submittal. Peter Katt, the attorney for Duane Hartman, has attached previous letters and e-mails regarding the status of Aileen Eliker.
9. The legal description has been modified to reflect the area included in this project.
10. A public access easement has been shown on the private roadway.
11. A legend of line types has been shown on the Site Plan.
12. General Note #5 has been revised to indicate sidewalks on both sides of all private roadways and public streets.
13. General Note #1 has revised to indicate a total number of dwelling units of 70.
14. West Cleveland Avenue has recently been vacated. The plans have been modified to reflect this change. The screening of those lots is no longer required.

15. The Planning Commission and City Council approval blocks have been added to the Cover Sheet.
16. The blocks have been renumbered to reflect the modifications made to the plan.
17. West Cleveland Avenue has recently been vacated. The plans have been modified to reflect this change.
18. Lyle Loth of ESP has shown channel sections along the open drainage ditch on Sheet 5 of 6. An additional detention area has been added to the north of West Cleveland Avenue. Stormwater Detention Calculations have been enclosed for review by the Public Works & Utilities Department. A grading agreement between the adjacent property owner and Hartland Homes has been established. During the street vacation of West Cleveland Avenue the adjacent property owner acknowledged the grading on their property which improves the drainage conditions and is no cost to them. Enclosed is a copy of the letter sent to the adjacent property owner. There has not been any communication between the two parties since the letter was sent on June 20, 2003.
19. The Stormwater Detention Calculations have been enclosed for review by the Public Works & Utilities Department.
20. The other residential developments in this area were not required to install turn lanes and we have not shown them since we are also a residential development.
21. General Note #14 has been modified to include the words "all outlots and recreation facilities".
22. The tire swing has been removed from the climbing structure.
23. A 1/2 basketball court has been added to the east of the playground area.
24. The street tree for West Madison Avenue has been revised to Red Sunset Maple.
25. We are requesting the Lincoln Electric System review and request the utility easements from the attached plan since the changes made to the project may have changed the way the utility lines maybe run.
26. General Note #13 already states that any relocation of existing facilities will be at the owner/developer's expense.

Please feel free to contact me if you have any further questions.

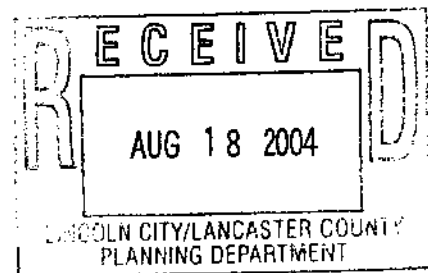
Sincerely,



Brian D. Carstens

CC: Duane Hartman- Hartland Homes, Inc.
Peter Katt

ENCLOSURES: 8 copies of sheets 1 through 6
8-1/2" x 11" reductions
2 copies of Stormwater Detention Calculations
2 copies of grading letter to the adjacent property
Ownership Certificate and Peter Katt letters



INTER-DEPARTMENT COMMUNICATION



DATE: August 25, 2004
TO: Becky Horner, City Planning
FROM: Sharon Theobald
Ext 7640
SUBJECT: DEDICATED EASEMENTS
DN# 28N-51W

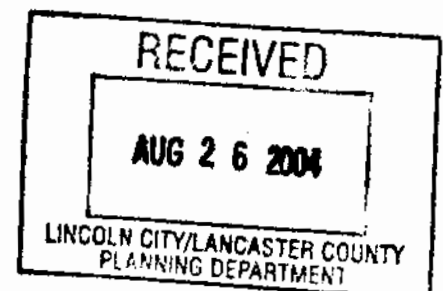
Attached is the Resubmitted Preliminary Plat for Hartland Homes Northwest 1st Addition.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map, along with blanket utility easements over the Outlots.

Sharon Theobald

ST/ss
Attachment
c: Terry Wiebke
Easement File



Memorandum

To:	Becky Horner, Planning Department
From:	Chad Blahak, Public Works and Utilities
Subject:	Hartland Homes Northwest 1st Addition
Date:	8/31/04
cc:	Randy Hoskins

Engineering Services has reviewed the Hartland Homes NW 1st Addition Preliminary Plat and CUP, on West Cleveland between NW 53rd Street and NW 48th Street, and has the following comments:

Water - The following comments need to be addressed.

(1.2) The proposed 6" main in Madison Avenue is shown to the existing 12" main in NW 48th Street instead of connecting to the existing 6" main in NW 49th Street and Madison Avenue. An explanation needs to be provided as to why this configuration is proposed.

Sanitary Sewer - The sanitary sewer is satisfactory.

Grading/Drainage - The following comments need to be addressed.

(3.1) The channel cross sections shown do not match the existing contours on the plan. Given the amount of flow conveyed by the channel and the proximity to proposed and existing lots and homes, a more detailed analysis should be conducted. An alternate channel route and or street and lot layout may be required.

Streets - The following comments need to be addressed.

(4.1) Public Works does not support the requested waiver for substandard cul-de-sac geometry in Madison Court. The standard 43.5' radius cul-de-sac should be required. The previous plat approved 50' right-of-way with 10' easements to replace right-of-way but required standard paving.

(4.2) The waiver for paving centerline radius less than 150' is unsatisfactory to Public Works. This minimum value is based on safe sight distance for a design speed of 25 mph which is required, by design standards, for residential areas. No justification has been provided for the waiver.

(4.2) Right and left turn provisions in NW 48th Street are needed at the intersections of Madison and Cleveland with NW 48th Street. They will be required when Madison and Cleveland are paved with this plat. In the future, it is anticipated that NW 48th Street will be a 4-lane divided roadway. One or both intersections may be right turn in and right turn out only at NW 48th Street. The letter submitted with this plan states that other residential plats have not been

required to build turn lanes. One near by example of where turning movement provisions were required is the Ashley Heights development on the east side of NW 48th Street at the intersection of West Thatcher. This is a common requirement for projects that are adjacent to major streets that have not been reconstructed to urban sections.

General - The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

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Rebecca D Horner
09/13/2004 09:22 AM

To: Jean L Walker/Notes@Notes
cc:
Subject: Hartland NW 1st Addition Comments

--- Forwarded by Rebecca D Horner/Notes on 09/13/2004 09:24 AM ---



AHNA
<arnoldheights@alltel.
net>
09/12/2004 11:51 PM

To: rhomer@lincoln.ne.gov
cc:
Subject: Hartland NW 1st Addition Comments

The Arnold Heights Neighborhood Association is in favor of continued residential growth in our area. We encourage the continued development of single family homes to compliment and coincide with the flavor of the existing neighborhood.

We have the following concerns in regards to this potential development.

The current Airport West Subarea Plan is under way and there is already concerns about the number of access's onto NW 48th St as the discussion as a 4 lane approaches. This plan adds two additional residential streets onto NW 48th St that may have to be addressed as that plan moves to design.

The area of application has been a known flood area for years. We encourage a thorough review of any grading plan to assure that existing residential areas will not be affected by this build. The ditches between the Sinclair station, laundromat and café have had drainage issues and we hope that this will not magnify that problem.

The density of this development would appear to be best suited to investment property. While we have a considerable amount of investment property in our area this density would be new to us. We would hope that whatever oversight the homeowners association has is responsive to the existing community's concerns.

It appears that there are only 15-18 spare parking spaces to serve the 62 townhomes. We question if that is enough to serve this type of density and are concerned about overflow parking into the neighboring residential streets or in the commercial area. There is no on street parking available due to the density of driveways and the narrow street tracts.

We share the concerns we see from public works on the street widths. It needs to be a priority on these streets with limited access to have the ability to handle emergency vehicles without being compromised by existing traffic.

Arnold Heights Neighborhood Association